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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/068,254	02/04/2002	Alan M. Vale	LS/0022.00	8491

8791 7590 11/28/2005

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EXAMINER

JERABEK, KELLY L

ART UNIT PAPER NUMBER

2612

DATE MAILED: 11/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Advisory Action</b> <b>Before the Filing of an Appeal Brief</b>	<b>Application No.</b> 10/068,254	<b>Applicant(s)</b> VALE ET AL.	
	<b>Examiner</b> Kelly L. Jerabek	<b>Art Unit</b> 2612	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 24 October 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
 b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

#### AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
 (b) ☐ They raise the issue of new matter (see NOTE below);  
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
 5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
 6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: \_\_\_\_\_.

Claim(s) rejected: 1-28.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

#### AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.


#### REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
 12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). \_\_\_\_\_  
 13. ☐ Other: \_\_\_\_\_.

Continuation of 11. does NOT place the application in condition for allowance because: 1) Applicant's arguments regarding claim 1 (After Final Amendment pages 7-8) state that the Yamada reference does not teach automatically transferring data to a host device upon connecting a data capture device to a host device. Yamada discloses in figures 1-3 a camera capable of accepting an auxiliary memory card (MC). The camera includes a liquid crystal display section (30) the displays a plurality of icon marks (46-66) according to the operation modes of the camera (col. 3, lines 60-67). When the memory card (MC) is attached to the camera, icon mark (64) is displayed thus automatically verifying that the connection has been established. Once a connection is established, a user can press a button to request a transfer of pictures and the microprocessor (MPU1) instructs microprocessor (MPU2) to perform processing operations (col. 6, line 53 - col. 7, line 10). When the microprocessor (MPU1) detects that the select switch (34) is pushed by a user, the microprocessor (MPU1) instructs the microprocessor (MPU2) to perform a processing for a copying mode (col. 7, lines 18-24). Therefore, it can be seen that when the select switch (34) is in the desired position a transfer of information from the capture device (copying mode) is automatically initiated by the microprocessors (MPU1, MPU2). Although the processing operations performed by the microprocessors (MPU1, MPU2) are in response to a manual operation (pressing of the button) this does not mean that the reference does not teach automatically initiating a transfer of information. The claim does not require that immediately upon connection an automatic initiation of a transfer operation must be performed. Thus, it can be seen that the Yamada reference teaches upon connection of a data capture device (icon mark (64) is displayed) after a user presses a button to request a transfer of pictures the device automatically initiates a transfer of information from the data capture device (the microprocessor (MPU1) detects that the select switch (34) is pushed by a user and instructs the microprocessor (MPU2) to perform a processing for a copying mode (col 6, line 53- col. 7, line 24).

2) Applicant's arguments regarding claim 15 (After Final Amendment page 9) concern the same issues as above therefore the response above also applies to claim 15.

KLJ



NGOC-YEN VU  
PRIMARY EXAMINER